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Attorneys for Plaintiff and Counterdefendant  
 iSmart International Limited

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

\*E-FILED - 7/29/05\*

ISMART INTERNATIONAL LIMITED, an  
 India Corporation,

Plaintiff,

vs.

I-DOCSECURE, LLC, a California Limited  
 Liability Company, *et al.*,

Defendants.

I-DOCSECURE, LLC, a California Limited  
 Liability Company, *et al.*,

Counterclaimants,

vs.

ISMART INTERNATIONAL LIMITED, an  
 India Corporation, *et al.*,

Counterdefendants

Case No. C 04-03114 RMW

~~STIPULATION AND PROPOSED~~  
**ORDER TO CONTINUE TRIAL DATE  
 AND OTHER DEADLINES IN THE  
 COURT'S CASE MANAGEMENT  
 CONFERENCE ORDER**

**Judge: Hon. Ronald M. Whyte**

Date Action Filed: July 30, 2004  
 First Amended Complaint Filed: October  
 26, 2004

WHEREAS, the Court set a trial date and various pre-trial deadlines in its Case  
 Management Conference Order which was signed on April 11, 2005;

WHEREAS, counterdefendant Raj Dhesikan's first appearance in this lawsuit did not  
 occur until July 5, 2005;

WHEREAS, after several extensions, the parties agreed to a deadline of July 19, 2005 to  
 produce initial disclosures;

1 WHEREAS, plaintiff and counterdefendant iSmart International served document requests  
2 on defendants and counterclaimants with an original production deadline of July 11, 2005;

3 WHEREAS, plaintiff and counterdefendant iSmart International granted defendants and  
4 counterclaimants an extension through July 19, 2005 for the production of documents responsive  
5 to iSmart International's document requests;

6 WHEREAS, counsel for defendants and counterclaimants filed a request for approval of  
7 substitution of counsel on July 15, 2005;

8 WHEREAS, the proposed substitution seeks to replace current counsel for the individuals,  
9 Joseph Baggio and Jonathan Balzora with the individuals themselves appearing *pro se*;

10 WHEREAS, the proposed substitution does not identify counsel for the corporate entities  
11 but instead seeks an unspecified period of time for the corporate defendants to obtain new counsel;

12 WHEREAS, unrepresented corporate entities cannot defend themselves or prosecute their  
13 counterclaims;

14 WHEREAS, if the proposed substitution is approved, the corporate defendants and  
15 counterclaimants will be unable to respond to initial disclosures or document demands;

16 WHEREAS, because of the proposed substitution, the individual defendants and  
17 counterclaimants have requested extensions of the deadlines for initial disclosures and document  
18 production;

19 WHEREAS, due to concerns over the implications of the proposed substitution, plaintiff  
20 and counterdefendant filed an objection to the proposed substitution on grounds that granting it  
21 would unnecessarily delay the case and disrupt the trial schedule;

22 WHEREAS, a mediation is scheduled in this case on August 18, 2005, which is the latest  
23 date the court-appointed mediator has available prior to the September 12, 2005 mediation cut-off  
24 date set by the Court's Case Management Conference Order;

25 WHEREAS, defendant and counterclaimant Joseph Baggio advises that he no longer  
26 agrees to use of the mediator previously selected due to the mediator having been employed by  
27 White & Case for one year in the early 1970s and having mediated a case with Long & Levit, prior  
28 counsel for iSmart International.

1 WHEREAS, the deadline for expert witness disclosure is set for October 21, 2005;

2 WHEREAS, the deadline for completing non-expert discovery is November 4, 2005;

3 WHEREAS, the last day to hear dispositive motions is December 16, 2005;

4 WHEREAS, the deadline to complete expert discovery is set for December 23, 2005;

5 WHEREAS, a Final Status Conference is set for February 9, 2006;

6 WHEREAS, trial of this matter is set for February 21, 2006; and

7 WHEREAS, the parties agree that all the aforementioned factors support continuing the  
8 dates set forth in the Court's Case Management Conference Order to allow Mr. Saiki to substitute  
9 out of the case, give defendants and counterclaimants time to retain new counsel, and to prevent  
10 the court, the parties, and the mediator from wasting time on a meaningless mediation and  
11 unworkable pre-trial dates.

12 THEREFORE THE PARTIES THROUGH THEIR COUNSEL HEREBY STIPULATE  
13 AND AGREE that the Court should issue an Order continuing the dates in the Case Management  
14 Conference Order as follows:

15 1. The mediation scheduled in this case on August 18, 2005 is cancelled and the court  
16 shall appoint a new mediator.

17 2. The last day to complete mediation shall be continued to December 12, 2005;

18 3. The deadline for expert witness disclosure shall be continued to January 20, 2006;

19 4. The deadline for completing non-expert discovery shall be continued to February  
20 10, 2006;

21 5. The last day to hear dispositive motions shall be continued to March 13, 2006;

22 6. The deadline to complete expert discovery shall be continued to March 24, 2006;

23 7. The trial shall be continued to a date after May 1, 2006, with the exact date to be  
24 determined at a status conference to be held after defendants and counterclaimants have retained  
25 new counsel; and

26 ///

27 ///

28 ///

8. The Final Status Conference shall be continued to a new date based on the trial date set at that future status conference.

**IT IS SO STIPULATED.**

Date: 7/20, 2005

WHITE & CASE LLP

By [Signature]  
STEPHEN L. COPE  
Attorneys for Plaintiff  
ISMART INTERNATIONAL LIMITED

Date: 7-20-2005, 2005

RADCLIFF & SAIKI, LLP

By [Signature]  
ERIC H. SAIKI

Attorneys for Defendants  
I-DOCSECURE, LLC, E-NETSECURE  
SERVICES, INC., INTEGRITY DATA  
APPLICATIONS CONSULTING, LLC, JOSEPH  
BAGGIO, and JONATHAN BALZORA

Date: \_\_\_\_\_, 2005

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: \_\_\_\_\_  
MARC A. KOONIN  
Attorneys for Counterdefendant  
RAJ DHESIKAN

Date: \_\_\_\_\_, 2005

By [Signature]  
JOSEPH BAGGIO  
Pro Se (pending court approval of substitution of  
counsel)

Date: \_\_\_\_\_, 2005

By [Signature]  
JONATHAN BALZORA  
Pro Se (pending court approval of substitution of  
counsel)

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 7/27/05, 2005

/S/ RONALD M. WHYTE

Hon. Ronald M. Whyte  
United States District Judge

The Court has set a Status Conference for December 16, 2005 @ 10:30 a.m. to reset the trial date.

8. The Final Status Conference shall be continued to a new date based on the trial date set at that future status conference.

**IT IS SO STIPULATED.**

Date: \_\_\_\_\_, 2005

WHITE & CASE LLP

By \_\_\_\_\_  
STEPHEN L. COPE  
Attorneys for Plaintiff  
ISMART INTERNATIONAL LIMITED

Date: \_\_\_\_\_, 2005

RADCLIFF & SAIKI, LLP

By \_\_\_\_\_  
ERIC H. SAIKI

Attorneys for Defendants  
I-DOCSECURE, LLC, E-NETSECURE  
SERVICES, INC., INTEGRITY DATA  
APPLICATIONS CONSULTING, LLC, JOSEPH  
BAGGIO, and JONATHAN BALZORA

Date: July 20, 2005

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: *Marc A. Koonin*  
MARC A. KOONIN  
Attorneys for Counterdefendant  
RAJ DHESIKAN

Date: \_\_\_\_\_, 2005

By \_\_\_\_\_  
JOSEPH BAGGIO  
*Pro Se* (pending court approval of substitution of  
counsel)

Date: \_\_\_\_\_, 2005

By \_\_\_\_\_  
JONATHAN BALZORA  
*Pro Se* (pending court approval of substitution of  
counsel)

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
Hon. Ronald M. Whyte  
United States District Judge